

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UFM REALTY CORPORATION,	:	Case No. 1:21-cv-150
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Stephanie K.
	:	Bowman
RASHAWNDA MATTHEWS,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE
(Doc. 3); and (2) REMANDING CASE BACK TO THE MIDDLETOWN
MUNICIPAL COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. 28 U.S.C. § 636(b). Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on March 9, 2021, submitted a Report and Recommendations. (Doc. 3). No objections were filed, and the time for filing objections has expired.

The Court has reviewed the Report and Recommendations, is satisfied that there is nothing clearly erroneous or contrary to law on the face of the record, and accepts the Magistrate Judge's recommendations. Fed. R. Civ. P. 72.

Accordingly:

1. The Report and Recommendations (Doc. 3) is hereby **ADOPTED**;
2. Defendant's removal petition is **DENIED** for lack of subject matter jurisdiction, and this improperly removed case is **REMANDED** back to the Middletown Municipal Court. 28 U.S.C. § 1447(c);

3. Defendant's motion for leave to proceed *in forma pauperis* (Doc. 1) is **DENIED**;
4. Defendant's motion for an *ex parte* temporary restraining order (Doc. 2) is **DENIED**;
5. The Court **CERTIFIES** that, pursuant to 28 U.S.C. § 1915(a), an appeal of this Order would not be taken in good faith and therefore **DENIES** Petitioner leave to appeal *in forma pauperis*. Defendant remains free to apply to proceed *in forma pauperis* in the Court of Appeals; and,
6. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** upon the docket of this Court.

IT IS SO ORDERED.

Date: 8/24/2021

s/Timothy S. Black
Timothy S. Black
United States District Judge